IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL REVISION No. 41 of 2005

SOBHAG MAL & ORS
V/S
KALYAN MAL

Mr. SP SHARMA, for the appellant / petitioner

Date of Order : 11.3.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the impugned order.

The learned Executing Court has found that the decree-holder has been given possession of the property for which decree was passed.

It is contended by learned counsel for the petitioner that the property included two more rooms, which admittedly were part of the tenancy, and possession thereof has not been given to the petitioner. The learned counsel has not been able to satisfy that the said two rooms, of which possession has been given, did form part of the decree, or that they were included in the four boundaries of property as mentioned in the plaint on the basis of which, the decree has been passed. In that view of the matter, I do not find any sufficient ground to interfere with the impugned order in my revisional jurisdiction. However, it is made clear that if the petitioner feels that there is any more property of which he was entitled to possession, but to which the decree does not relate as found by the learned Executing Court, and by me today, it will be open to the petitioner to seek such other remedy as may be available to him under law for obtaining the remaining property.

The revision petition is, therefore, dismissed with the aforesaid liberty and observations.

(N P GUPTA),J.

/tarun/